

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 193

HOUSE BILL 2149

AN ACT

AMENDING SECTIONS 28-8524, 28-8527, 28-8529 AND 28-8531, ARIZONA REVISED
STATUTES; RELATING TO THE JOINT POWERS AIRPORT AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-8524, Arizona Revised Statutes, is amended to
3 read:

4 28-8524. Allocation of monies; sources; public hearing; reuse,
5 development and capital improvement plans

6 A. Each member of the JOINT POWERS airport authority and any new
7 member shall make a pro rata allocation of monies, as specified in the
8 agreement described in section 28-8521, to the airport authority's operating
9 budget from one or any combination of the following sources:

10 1. If the member is a city or town:

11 (a) An ad valorem tax levied by the governing body of the member
12 within its jurisdiction.

13 (b) A transaction privilege tax levied by the governing body of the
14 member within its jurisdiction.

15 2. If the member is a city, town or county:

16 (a) General monies of the member.

17 (b) Other monies legally available to the member.

18 B. The tax prescribed by subsection A of this section shall be
19 designated as an airport authority tax. Any property tax levied pursuant to
20 subsection A of this section shall be a secondary tax.

21 C. The governing body of each airport authority member shall hold a
22 public hearing on both:

23 1. The question of whether to approve and adopt the annual operating
24 budget of the airport authority.

25 2. The method of funding the member's annual budget allocation.

26 D. Notice of a public hearing held pursuant to this section shall be
27 given in a newspaper of general circulation within the member's jurisdiction
28 at least once a week for two weeks before the hearing.

29 E. On receipt of the recommendation of the airport authority board as
30 to the budget allocation, each member shall consider the amount of monies
31 legally available to it to fund its budget allocation before its
32 determination of the amount of taxes it shall levy to meet its budget
33 allocation.

34 F. The airport authority shall adopt and periodically amend a reuse
35 and development plan and a capital improvements plan. Expenditures for or
36 by the airport authority shall be both:

37 1. Consistent with the plans prescribed in this subsection.

38 2. Limited to those items that directly relate to or benefit the
39 operation and development of the airport and the airport authority.

40 G. Any member of the airport authority that fails or refuses to
41 approve and adopt the operating budget for the airport authority shall
42 withdraw from membership in the airport authority as provided in section
43 28-8525. The remaining members and any new members of the airport authority
44 are responsible for the total operating budget as adopted and shall make
45 their allocation as prescribed in subsection A of this section.

1 Sec. 2. Section 28-8527, Arizona Revised Statutes, is amended to read:
2 28-8527. Joint powers airport authority; powers
3 Acting through its board of directors, the joint powers airport
4 authority may:
5 1. Own, ~~AND operate and maintain~~ property and facilities related to
6 aviation, air navigation and aerospace.
7 2. Own ~~and lease~~ property and facilities that are not related to
8 aviation, air navigation and aerospace.
9 3. ENTER INTO CONTRACTS, LEASES AND DEVELOPMENT AGREEMENTS, INCLUDING
10 INTERGOVERNMENTAL AGREEMENTS UNDER TITLE 11, CHAPTER 7, ARTICLE 3, TO CARRY
11 OUT THE PURPOSES OF THIS ARTICLE.
12 4. ACQUIRE BY ANY LAWFUL MEANS, INCLUDING IF AUTHORIZED BY THE MEMBERS
13 OF THE AIRPORT AUTHORITY THE EXERCISE OF EMINENT DOMAIN IN THE NAMES OF ITS
14 MEMBERS, AND MAINTAIN, ENCUMBER, LEASE AND DISPOSE OF REAL AND PERSONAL
15 PROPERTY AND INTERESTS IN PROPERTY.
16 ~~3.~~ 5. Prescribe RENTALS, user fees and OTHER charges AND ENTER INTO
17 AGREEMENTS WITH DEVELOPERS, CONTRACTORS, TENANTS AND OTHERS FOR USE OF
18 FACILITIES, PRODUCTS OR SERVICES OF THE AIRPORT AUTHORITY AND USE THE
19 REVENUES DERIVED BY THE AIRPORT AUTHORITY TO CARRY OUT THE PURPOSES OF THIS
20 ARTICLE.
21 6. BORROW MONEY AND ISSUE REVENUE BONDS AND INCUR OTHER FINANCIAL
22 OBLIGATIONS FOR ANY OF THE PURPOSES OF THIS ARTICLE AND PLEDGE ANY PART OF
23 THE REVENUES OR MONIES OF THE AIRPORT AUTHORITY TO SECURE THE REVENUE BONDS
24 OR OTHER FINANCIAL OBLIGATIONS.
25 ~~4.~~ 7. Operate facilities and construct improvements.
26 ~~5. If authorized by the members of the airport authority, exercise the~~
27 ~~right of eminent domain in the names of the members.~~
28 8. ADOPT RULES AS NECESSARY TO ADMINISTER AND OPERATE THE AIRPORT
29 AUTHORITY AND ANY PROPERTY UNDER ITS JURISDICTION.
30 9. ADMINISTER TRUSTS DECLARED OR ESTABLISHED FOR THE AIRPORT
31 AUTHORITY, RECEIVE AND HOLD IN TRUST OR OTHERWISE PROPERTY LOCATED IN OR
32 OUTSIDE OF THIS STATE AND, IF NOT OTHERWISE PROVIDED, DISPOSE OF THE PROPERTY
33 FOR THE BENEFIT OF THE AIRPORT AUTHORITY.
34 ~~6.~~ 10. Engage employees and consultants.
35 ~~7. Enter into contracts, leases and development agreements.~~
36 ~~8. Enter into agreements with this state, any political subdivision~~
37 ~~of this state or the federal government.~~
38 ~~9.~~ 11. Prepare and recommend annual operating budgets.
39 ~~10. Borrow money and issue revenue and refunding bonds.~~
40 ~~11.~~ 12. Sue and be sued.
41 ~~12.~~ 13. Exercise incidental powers if necessary to the exercise of the
42 powers prescribed in this article and articles 6 and 7 of this chapter.

1 Sec. 3. Section 28-8529, Arizona Revised Statutes, is amended to read:
2 28-8529. Financing authority

3 ~~A. Property, facilities or projects to be constructed or acquired by~~
4 The joint powers airport authority may be financed FINANCE THE ACQUISITION,
5 CONSTRUCTION, IMPROVEMENT OR FURNISHING OF ANY REAL OR PERSONAL PROPERTY OR
6 INTERESTS IN PROPERTY OR SERVICES from any source, including WITHOUT
7 LIMITATION THE proceeds from the issuance by the airport authority of revenue
8 bonds in the manner described in this article OR FROM THE PROCEEDS OF OTHER
9 FINANCIAL OBLIGATIONS INCURRED FOR THE PURPOSES OF THIS ARTICLE.

10 ~~B. Bonds issued by the airport authority are not outstanding~~
11 obligations of the airport authority until the bonds are issued and
12 delivered.

13 Sec. 4. Section 28-8531, Arizona Revised Statutes, is amended to read:
14 28-8531. Refunding bonds

15 The JOINT POWERS airport authority may issue and sell refunding bonds
16 to refund any airport authority revenue bonds.

APPROVED BY THE GOVERNOR MAY 5, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 5, 2004.

Passed the House February 16, 2004,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 15, 2004,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Blumenthal
President of the Senate

Charmen B. Bunting
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State


H.B. 2149

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 29, 2004,

by the following vote: 40 Ayes,

0 Nays, 20 Not Voting



Speaker of the House
Pro Tempore

Cheryl Laube
Asst. Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29th day of April, 2004,

at 4:04 o'clock P. M.

Jennifer Lybarta
Secretary to the Governor

Approved this 5 day of

May, 2004,

at 10³⁰ o'clock A. M.

J. N. Galt
Governor of Arizona

H.B. 2149

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5 day of May, 2004

at 11:35 o'clock A. M.

James K. Deuer
Secretary of State